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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,452	01/31/2001	Timothy D. Neveu	37090-6033	8034
33123	7590	09/13/2005	EXAMINER	
DAVID A. HALL HELLER EHRLMAN LLP 4350 LA JOLLA VILLAGE DRIVE #700 7TH FLOOR SAN DIEGO, CA 92122			COBURN, CORBETT B	
			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 09/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/773,452	NEVEU ET AL.
Examiner	Art Unit	
Corbett B. Coburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 June 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-63 is/are pending in the application.
4a) Of the above claim(s) 15-21, 36-42 and 57-63 is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-14, 22-35 & 43-56 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9, 22-27, 30, 43-48 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuno (6,409,604) in view of Iwao et al. (US Patent Number 6,533,663).

Matsuno teaches a computer readable program and method of designating candidate objects with respect to an initial object in a virtual environment of an information processing system that comprises displaying one or more candidate objects on a display screen; displaying a candidate range indicator on the display screen in response to actuation of a candidate input interface on an input device, the candidate range indicator comprising a visual indication of a candidate range for the initial object; displaying a visual indication in association with a first candidate object in response to the first candidate object intersecting at least a portion of the candidate range indicator on the display screen (regardless of the orientation of the candidate object – i.e., the player character may attack a target's back), the visual indication being associated with a first designation input interface on the input device; and causing a predetermined action from the initial object with respect to the candidate object in response to actuation of the first designation input interface (abstract; Fig. 5; Fig. 21; col. 1, lines 65-67; col.

2, lines 1-12, lines 24-30, lines 53-55 and lines 65-67; Fig. 24).

Matsuno teaches that the visual indication of the candidate range of the initial object shows the effective range of an attack based on the location of the initial object (the player character). (Col 1, 60 – Col 2, 9) Matsuno makes it clear that the visual indication is dependant on the range of the weapon wielded by the player character. Thus the visual indication shown for a character with a sword will be less than that of an archer. (Col 6, 15-30) The range of attack for a swordsman encompasses an area of the virtual environment that is sized according to abilities of the initial object to reach the candidate objects in the virtual environment with a single movement (i.e., a single sweep of the sword arm) as determined by the information processing system.

Regarding claims 4, 25, and 46, Matsuno teaches all the elements of the claims. Matsuno further teaches that the size of the bounded area is a function of the weapon with which the player object is equipped (col. 13, lines 44-47 and col. 14, lines 6-11).

Regarding claims 5-6, 26-27 and 47-48, Matsuno teaches all the limitations of the claim as discussed above. While Matsuno teaches the use of an input device, Matsuno is silent regarding that input device being a joystick. The examiner takes official notice that it is well known in the art to use joysticks as input devices. Further, it is well known to have a neutral position (no input, where characters remain still) and non-neutral (input, where characters are moved in various directions in XYZ plane) for joystick input devices. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a joystick as the input device in Matsuno to make it easier for the player to quickly manipulate the device, thereby increasing the accuracy of the input.

Matsuno fails to teach use of a designated button on the input device for initiating the display of range information. Iwao teaches use of a designated button (35) to initiate the display of range information. (Col 10, 38-42 & Col 11, 48-58) Iwao teaches that this assist players to select magic (i.e., a spell) during a game. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsuno in view of Iwao to use a designated button on the input device for initiating the display of range information in order to assist players to select magic (i.e., a spell) during a game.

3. Claims 7-8, 10-14, 28-29, 31-35, 49-50 and 52-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuno (6,409,604) & Iwao in view of Ohnuma et al (6,375,571).

Regarding claims 7-8, 13-14, 28-29, Matsuno & Iwao teach all the limitations of the claims as discussed above. Matsuno is silent regarding the feature of displaying an attack icon that is associated with an input interface on an input device. Iwao teaches icons (Fig 14), but does not teach the claimed icon locations. In an analogous gaming system, Ohnuma teaches an icon on the display that is associated with an input interface on an input device (col. 2, lines 25-33; Fig. 10, #204). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the icon and icon location of Ohnuma in the display of Matsuno & Iwao in order to assist the player in using the button that gives the most appropriate input for attacking the enemy character (such as kick, jump, etc.) in order to increase the chances of the players success against the enemy character.

Regarding claims 10-12, 31-35, 49-50 and 52-56, Matsuno, Iwao and Ohnuma teach the limitations of the claims as discussed above. The references are silent regarding the explicit teaching of the player object attacking the enemy character while facing away from the enemy

character. However, the examiner takes official notice that it is well known in the art to have characters facing in various directions, depending on the particular programming of the video game. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Matsuno, Iwao and Ohnuma in order to enhance the video graphics of the gaming system, thereby making the game more attractive to players.

Response to Arguments

4. Applicant's arguments filed 20 June 2005 have been fully considered but they are not persuasive.
5. Applicant's arguments regarding elements of the claims are drawn to the claims as amended and have been addressed in the rejection above.
6. Applicant argues that there is no suggestion to combine because Iwao's title fails to suggest the combination. Yet a review of the entire disclosure of the two references suggests that they have a common purpose. Both are concerned with showing the range of an attack so that a player may choose the best attack. If, for instance, a player character has both a sword and a bow and arrow, the choice of weapon will depend on the range of the target. Both Matsuno and Iwao teach displaying a range indicator in order to aid the player in making this sort of tactical decision.
7. Applicant states that Iwao's range indication is not associated with any display objects. This is in error. Iwao discloses showing the range of a weapon on the display. If a target is displayed on the screen, there will be an association between the displayed range and the target. The target will either be in range or it will be out of range.

8. For the record, this amendment is drawn to the same invention. If it were not, then the amendment would not be entered because Applicant has elected this invention by original presentation. This rejection is not final because it raises new issues that required further consideration and represented a *bona fide* attempt to advance prosecution.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Jessica Harrison can be reached on (571) 272-4449. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Corbett B. Coburn
Examiner
Art Unit 3714